

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

MONROE DIVISION

KIMBERLY D. MALONE

JUDGE:

VS. 21-cv-3882

**LOUIS DEJOY,
POSTMASTER GENERAL
OF THE UNITED STATES
and UNITED STATES POSTAL
SERVICE**

MAGISTRATE JUDGE:

Amended Complaint

The Amended Complaint of Kimberly D. Malone, a major resident and domiciliary of Ouachita Parish, Louisiana, and at all times pertinent an employee of the United States Postal Service in Ouachita Parish, Louisiana, respectfully represents that, pursuant to Rule 15 of the Federal Rules of Civil Procedure she files her amended complaint to read as follows:

I. Parties Defendant

1. Defendant Louis DeJoy is the Postmaster General of the United States of America.

2. Defendant United States Postal Service (hereinafter sometimes USPS) was the employer of Plaintiff

II. Jurisdiction and Venue

3. This Court has jurisdiction in this case pursuant to 28 USC Section 1331 as this case involves laws of the United States (Federal Question). Further, this case involves a violation of 42 USC Section 1983 and Title VII of the Civil Rights Act of 1964, as amended.

4. Further the Plaintiff shows that she exhausted all administrative remedies as required and made timely filings of her charge before the United States Postal Service Equal Opportunity and the U. S. Equal Opportunity Commission.

III. Factual Background.

5. Plaintiff avers that at all times pertinent herein she was employed by the United States Postal Service as a clerk assistant. Plaintiff has a total of 26 years of service with the USPS, most of which was in Mississippi. Plaintiff filed a formal complaint with the US EEOC Office of Federal Operations alleging discrimination based on race and retaliation. The EEOC proceeding was eventually terminated by letter dated August 19, 2021, and received on August 24, 2021, by the U. S. Postal Services Notice of Final Action granting to her ninety days right to sue from date of receipt. No answers have been filed herein.

6. Plaintiff was hired as a temporary worker for the Monroe Post Office in April 2020. Thereafter Plaintiff was subjected to a continuous series of racially motivated actions, more fully described below, causing a hostile work

environment known to management which did nothing to correct the environment and leading to her dismissal from employment as described in the EEOC charge described below.

7. Plaintiff has been subjected to a racially hostile work environment and retaliated against by the following actions of co workers, condoned by management of the USPS and the postmaster of Monroe, to wit:

a. Plaintiff was hired in the Monroe facility of USPS on or about April 2020.

b. At the time of her hire the postmaster of the facility was one Sharon L. Williams (hereinafter sometimes “postmaster”).

c. On or about April 23, 2020, Plaintiff was told by her supervisor William R. Waldroup, that Plaintiff’s co workers were saying Waldroup only wanted white employees to be hired at the facility.

d. On April 28, 2020, a coworker, Vince Howard, African American male, told Plaintiff a vulgar story. Later he stated that all white people needed to get out of that office and Plaintiff had white privilege. From April 28, 2020 forward Vince Howard threw packages toward Plaintiff on a daily basis and hit Plaintiff on one occasion. On June 4, 2020, Plaintiff reported the harassment to her shop steward who reported it to management. On or about July 14 2020, at

3:40 A. M. Plaintiff reported to her supervisor by text that Vince Howard had thrown large, heavy packages at her head. The supervisor told Plaintiff on July 14, 2020, that the postmaster was afraid of Howard and would likely do nothing. Management took no actions to investigate the harassment.

e. Between April 23 and May 11, 2020, the postmaster took away Plaintiff's hand scanner, gave it to a female African American employee and required Plaintiff to run packages until her supervisor got to work.

f. After July 1, 2020, coworker Chimere Jackson, African American female, made derogatory comments about Plaintiff and threatened to slash tires. These comments were racially motivated, Plaintiff being the only white female employee on the shift. After a complaint was made to her supervisor the postmaster retaliated against Plaintiff by ignoring her complaints and removing Plaintiff from the work schedule. Since her hiring by the New Orleans office, the postmaster had refused to interact with Plaintiff.

g. After April 23, 2020, Plaintiff's African American coworkers continued to harass Plaintiff by making acerbic remarks, glaring at her, continuously throwing packages at her and in one instance throwing two large boxes at her, coming close to her head.

h. On July 14th, 2020, Plaintiff again notified her direct supervisor

Waldroup of the racially motivated harassment and remarks. Waldroup reported the complaints to the postmaster who continued to be disrespectful to her, brushing her off on several occasions when Plaintiff tried to talk to her.

I. On July 14th, 2020, Waldroup also noted to Plaintiff that he did not think the postmaster would do anything because Plaintiff was white and all the co workers were African American.

j. On July 19th, 2020, soon after Plaintiff again notified management of the racial discrimination and harassment, Plaintiff was taken off the schedule by the postmaster who stated that the office was overstaffed and made it impossible for Plaintiff to be re hired in the postal service in the Ouachita Parish area.

k. On July 27th, 2020, Plaintiff filed a formal charge of discrimination with the appropriate USPS office of equal employment. Plaintiff was formally dismissed the same day and, on information and belief, Plaintiff avers that the USPS office receiving the complaint notified the postmaster of the complaint and the postmaster formally terminated Plaintiff in retaliation for the complaint.

l. After Plaintiff's dismissal, the postmaster continued to advertise for workers for Plaintiff's position despite her claim that the office was over staffed.

m. As a result of the actions of the Postmaster and the hostile work environment condoned by management, Plaintiff filed a charge of discrimination

and exhausted her administrative remedies.

n. A letter notifying Plaintiff of the termination of the proceedings was received by her advising of her right to bring an action in the United States District Court.

8. Plaintiff demands trial by jury.

Wherefore, Kimberly D. Malone prays that, after due proceedings there be judgment herein in her favor awarding to her all back due wages and reinstatement to her previous position, compensatory damages for Plaintiff's emotional distress, that the USPS be ordered to expunge all records of disparaging remarks by the postmaster, and any other non pecuniary harm flowing from Defendants' illegal actions, pre and post judgment interest, all costs of this matter, a reasonable attorney's fee, and any other equitable remedies to which Plaintiff may be entitled.

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/s/ J. Michael Rhymes

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